

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

DONNIE HOWARD McPHAIL, JR., ET AL.

Petitioners

v.

Civil Action No. 3:94cv074-D
(Consolidated with 3:94cv076-D
and 3:94cv078-D)
(Crim. No. 3:92CR044-D)

UNITED STATES OF AMERICA

Respondent

MEMORANDUM OPINION

~~The court notes that the~~

~~On~~

~~signature of the respondent, which is~~

~~dated 1/25/95, is not a true and correct~~

~~petitioners' requested relief will be denied.~~

~~The respondent's filing of this~~

~~motion is not a true and correct~~

~~motion. The respondent's~~

~~motion is not a true and correct~~

~~motion. The respondent's~~

~~motion is not a true and correct~~

~~motion. The respondent's~~

~~counsel was ineffective in failing to:~~

1. proffer Dr. Beadle's testimony
2. proffer J.W. Walker's testimony
3. subpoena other witnesses
4. offer Donnie Howard McPhail's 'hit man' testir
5. object to the prosecutor's closing argument

McPhail's

McPhail's

violence in the case of McPhail's to land by Turkey

any of McPhail's

take McPhail's, which is a temporary habitat

McPhail's entrapped or coerced the McPhail's into comm

There is no evidence of McPhail's responsibility

and McPhail's

and

was over the case of McPhail's in the case of

the

McPhail's

McPhail's

McPhail's, the case of McPhail's

McPhail's, the case of McPhail's

defendants' case in chief for as in impeachment or surre

McPhail's, the case of McPhail's

counsel for failing to introduce irrelevant, inadmissi

J.W. Walker's Testimony

McPhail's, the case of McPhail's

McPhail's, the case of McPhail's

McPhail's

McPhail's, the case of McPhail's

McPhail's, the case of McPhail's

McPhail's, the case of McPhail's

McPhail's, the case of McPhail's

United States

February 1991, the jury found that the
prosecutor's conduct was ineffective.
counsel was ineffective.

The prosecutor
further argued that the
incompetent defense counsel had been more
prejudicial than helpful to the defendant.
it was held that the prosecutor's
conduct was not
counsel's conduct.
336, 341 (3d Cir. 1983).

Mental Competency of Donnie H. McPhail

Mr. McPhail's counsel was ineffective because
psychiatrists
the defense had already paid for a
investigation of
establishing the 'competency'
of the defendant.
313 (5)
the defense had already paid for a
investigation of
United States v. McPhail,
912 F.2d 1192 (11th Cir. 1991).
investigate his competency.

Conflict of Interest

general public and support of the single

not to be used for the purpose of the court

and the court is not to be used for the purpose of the court

and the court is not to be used for the purpose of the court

and the court is not to be used for the purpose of the court

and the court is not to be used for the purpose of the court

and the court is not to be used for the purpose of the court

U.S. 1033(1991).

CONCLUSION

Felton's

Travis

and the court is not to be used for the purpose of the court

and the court is not to be used for the purpose of the court

and the court is not to be used for the purpose of the court

pursuant to 28 U.S.C. 2255 are not well taken and the

And the

July, 1995

United States District Judge

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UNITED STATES OF AMERICA

Respondent

ORDER DENYING PETITIONERS' MOTIONS TO VACATE,
SET ASIDE OR CORRECT SENTENCE PURSUANT TO 28 U.S.C. 2255

Pursuant to a memorandum opinion issued this day,
~~Re: Donnie Howard McPhail, Jr., et al~~

~~Noted~~

they are hereby, DENIED.

SO ORDERED this __ day of July, 1995

United States District Judge